UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/370/Add.1
20 September 2001

ENGLISH
Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Sixteenth periodic reports of States parties due in 2000

Addendum

SAUDI ARABIA*

[Original Arabic]

[28 August 2001]

* This document contains the initial and second periodic reports of Saudi Arabia, submitted in one document, due on 22 October 1998 and 2000, respectively.

GE.01-46580 (E) 260202

I. GENERAL INFORMATION

A. General legal framework

1. The regulations of the Kingdom of Saudi Arabia, which are derived from the Islamic Shariah, prohibit all forms of racial discrimination as can be seen from the following:

The Constitution of the Kingdom of Saudi Arabia

2. The Constitution of the Kingdom of Saudi Arabia is the Book of God and the Sunna of His Prophet. The Basic Law of the Kingdom stipulates as follows: "The Kingdom of Saudi Arabia is a fully sovereign Arab Islamic State the religion of which is Islam and the Constitution of which is the Book of God and the Sunna of His Prophet ..." (art. 1); "Governmental authority in the Kingdom of Saudi Arabia is derived from the Book of Almighty God and the Sunna of His Prophet" (art. 7); "Government in the Kingdom of Saudi Arabia is based on justice, consultation and equality in accordance with the Islamic Shariah" (art. 8). With regard to the protection of human rights in general, including the prohibition of all forms of racial discrimination, article 26 of the Basic Law stipulates that: "The State shall protect human rights in accordance with the Islamic Shariah". Article 47 of the Basic Law recognizes the principle that citizens and other persons residing in the territory of the Kingdom are equal before the law by stipulating that: "Citizens and residents of the Kingdom have an equal right to seek judicial remedy, the requisite procedures for which shall be prescribed by law". Under the regulations, litigation before all the courts and judicial bodies is free of charge. The judiciary is independent, as stipulated in article 46 of the Basic Law: "The judiciary is an independent authority and, in their administration of justice, judges are subject to no authority other than the Islamic Shariah". The Holy Koran and the Sunna of the Prophet contain many provisions that prohibit all forms of discrimination on grounds of race or colour, etc. In the words of Almighty God: "People! We created you from a male and a female and made you into nations and tribes so that you may know each other. In the sight of God, the most noble of you is he who fears Him most" (verse 13 of the chapter entitled "The Chambers"). It is recorded in the Sunna that the Prophet (God bless him and grant him salvation) said: "People! You have a single Lord and a single father. You are all Adam's offspring and Adam was created from clay. In the sight of God, the most noble of you is he who fears Him most. There is no superiority between Arab and non-Arab or between brown and white except in terms of piety. Have I not warned you? God is my witness. Let those of you who are present warn those who are absent" (Kanz al-'Ummal, 1/66, 2/22). The Prophet also said: "He who advocates bigotry, fights for bigotry or dies in a state of bigotry is not one of us (Sunan Abu Daoud, 2/652).

The Statutes of the Judiciary

3. Article 1 of the Statutes of the Judiciary stipulates that: "Judges are independent and, in their administration of justice, are subject to no authority other than the Islamic Shariah and the regulations in force. No one has the right to interfere in the administration of justice". The Code of Legal Procedure promulgated in Royal Decree M/21 of 20/5/1421 A.H. contains details of the

procedures designed to ensure that everyone enjoys equal legal rights. The State is currently updating the criminal procedures and the procedures governing the practice of law with a view to the promulgation of two complementary codes therefor.

The Statutes of the Board of Grievances

4. The Board of Grievances is empowered to hear appeals lodged against administrative decisions which violate the rules and regulations. Article 8 (1) of its Statutes stipulates that the Board is competent to hear criminal actions brought against persons accused of the offences specified in Royal Decree No. 43 of 29/11/1377 A.H. involving exploitation of official influence, arbitrary acts, abuse of authority and violations of human rights. The Board of Grievances is also competent to hear actions arising from disputes under the commercial regulations.

The Statutes of the Directorate of Public Security

5. The Statutes of the Directorate of Public Security regulate the arrest, detention and examination procedures, in which due regard is shown for the need to ensure equality and punish offenders. Article 231 of these Statutes stipulates that: "Anyone who is found to be responsible for the unjustified detention of, or infliction of harm on, any person shall be punished by a term of detention equivalent to that for which he was responsible and shall also be liable for any harm that he inflicted".

The Prison and Detention Regulations

6. Under the terms of article 28 of these Regulations, which regulate prisons and guarantee the rights of their inmates against any violations: "All forms of aggression against prisoners or detainees are prohibited and disciplinary measures shall be taken against civilian or military officials who commit any act of aggression against prisoners or detainees, without prejudice to any criminal penalties to which they might be liable in cases in which such aggression constitutes a criminal offence".

The Civil Service Regulations

7. Article 1 of these regulations specifying the rights and obligations of civil servants stipulates that persons appointed to public office shall be selected on the basis of merit.

The Civil Service Retirement Regulations

8. These regulations guarantee the retirement entitlements of all civil servants whose salaries are paid from the State's public budget or the budgets of public agencies.

The Labour Code

9. Article 28 of the Basic Law stipulates that: "The State shall provide employment opportunities". In fact, the State has promulgated an integrated set of regulations which protect workers and employers and specify the official channels for the equitable settlement

of disputes regardless of the worker's nationality, religion, ethnic origin, gender or colour. The Labour Code is applied to all Saudi and other workers and employers who are subject thereto.

The Social Insurance Regulations

10. These and previous social insurance regulations emphasize that their provisions are applicable on an equal footing to the categories of workers concerned, without any discrimination on grounds of gender or age.

B. The Kingdom's regulations concerning international treaties and conventions

11. Article 70 of the Basic Law stipulates that: "International regulations, treaties, conventions and privileges shall be promulgated and amended under the terms of Royal Decrees". Accordingly, the provisions of any international treaty or convention that has been approved by Royal Decree are deemed to be enforceable. Accession to the International Convention on the Elimination of All Forms of Racial Discrimination was approved by Royal Decree M/12 of 16/4/1418 A.H.

C. Possibility of invoking the provisions of the Convention before the courts or other judicial bodies or administrative bodies

12. The provisions of conventions which have been approved by Royal Decree are regarded as part of the State's domestic regulations. Accordingly, the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination can be invoked before the courts or other judicial or administrative authorities in the kingdom.

D. Judicial and administrative authorities exercising jurisdiction in regard to the matters dealt with in the Convention

The Shariah courts

13. In accordance with article 5 of the Statutes of the Judiciary, these courts consist of:

(a) The Supreme Council of the Judiciary;

(b) The Court of Cassation;

(c) The general courts;

(d) The courts of summary jurisdiction.

The specific jurisdiction of each of these courts is specified in detail in the Statutes of the Judiciary.

The Board of Grievances

14. The Board has primary jurisdiction in administrative cases, offences involving corruption, bribery, forgery and abuse of authority, and actions brought against the Government.

Labour tribunals and the settlement of labour disputes

15. In accordance with section 11 of the Labour Code, these tribunals, which are divided into tribunals of first instance and higher tribunals, are competent to settle disputes arising from employment contracts between workers and employers (a study on the establishment of a court with jurisdiction in labour matters is currently in its final stages).

Tribunals with jurisdiction in commercial disputes

16. These include a tribunal to settle banking disputes and a tribunal to hear cases involving commercial paper (a study on the establishment of a court with jurisdiction in commercial disputes is currently in its final stages).

The Control and Investigation Board

17. This Board is responsible for the conduct of prosecutions before the competent divisions of the Board of Grievances in cases which it has investigated.

The Public Investigation and Prosecution Department

18. The functions of this Department, which is equivalent to a department of public prosecutions, include the investigation of offences, supervision of the enforcement of penal judgements and the control and inspection of prisons and detention centres.

E. Remedies available to persons claiming to be victims of racial discrimination or other acts of injustice

19. Under the Kingdom's regulations, which are derived from the Holy Koran and the Sunna of the Prophet, the rights of anyone who is a victim of racial discrimination or acts of injustice must be upheld. The Basic Law makes provision for a number of remedies, the most important of which are:

(a) The majlis (audience chamber) of the King and of the Crown Prince. Article 43 of the Basic Law stipulates that: "The majlis of the King and the majlis of the Crown Prince shall be open to every citizen and to anyone who may have a complaint or grievance. Every individual shall have the right to address the public authorities regarding any matter of concern to him";

(b) Provincial governors. Article 7 of the Ordinance regulating the functions of provincial governors stipulates that provincial governors have an obligation to safeguard the rights and freedoms of individuals and to refrain from taking any action that would infringe those rights and freedoms;

(c) Litigation. Before the courts, the Board of Grievances or the competent tribunals referred to in section D above.

II. INFORMATION CONCERNING ARTICLES 2-7 OF THE CONVENTION

Article 2

20. This article clearly indicates that States parties have an obligation to pursue a policy of eliminating racial discrimination in all its forms. The Basic Law refers to the protection of human rights in general, including the prohibition of racial discrimination, in article 26, which stipulates that: "The State shall protect human rights in accordance with the Islamic Shariah". In fact, none of the laws and regulations in force in the Kingdom permit any form of racial discrimination.

21. Since its establishment, the Kingdom of Saudia Arabia has consistently pursued a policy of promoting equality among persons of all races and ethnic origins. This policy has helped to ensure such equality not only through the promulgation of regulations but also in actual practice in such a way as to enable all sections of society to enjoy employment opportunities and social development on an equal footing. The Kingdom has pursued the following policies for the creation of a society free from all forms of discrimination.

In the social sphere

22. Since its establishment, the Kingdom of Saudia Arabia has pursued a wise policy of promoting social equality as required by articles 11 and 27 of the Basic Law, which stipulate as follows:

(a) Article 11: Saudi society is based on the religious devotion, charitable and pious cooperation, solidarity and unity of its members;

(b) Article 27: The State shall guarantee the rights of its citizens and their families in the event of an emergency, sickness, disability or old age. It shall support the social security system and encourage institutions and individuals to contribute to charitable works.

23. Numerous charitable associations and social development and service centres have been established in the Kingdom in order to ensure equality and solidarity among all members of society, regardless of any differences that might exist between them. It is noteworthy that Royal Decree M/37 of 23/9/1421 A.H. promulgated special regulations concerning the welfare of the disabled which guarantee their right to preventive health, welfare and rehabilitation services, which the competent authorities provide for this category. Institutions and individuals are also encouraged to contribute to charitable works for the benefit of the disabled.

In the economic sphere

24. Article 20 of the Basic Law stipulates that: "Taxes and fees shall be levied only when needed and on an equitable basis. They may be imposed, modified, abolished or waived only in accordance with the regulations".

25. The Kingdom has pursued various policies derived from the Islamic Shariah which have played an effective role in the achievement of economic prosperity for all, as illustrated by the fact that the competent governmental agencies collect *zakat* (the alms tax constituting the third pillar of Islam) which is imposed on the rich for the benefit of the poor. Governmental credit institutions have granted interest-free loans on an equal footing and the State has provided social security benefits and employment opportunities for persons in need thereof. There are numerous sources of funding, such as charitable contributions and awqaf (religious endowments) etc., to meet the needs of destitute persons without discrimination. The bodies which supervise the application of the regulations and ordinances that the Kingdom has promulgated to support and develop its economic systems include the following:

(a) The Higher Economic Council, established under the terms of Royal Edict No. A/111 of 17/5/1420 A.H., which is responsible for shaping economic policy and formulating, and monitoring the implementation of, appropriate alternatives, including privatization;

(b) The Public Investment Authority, which monitors the application of the foreign investment regulations promulgated in Royal Decree No. M/1 of 5/1/1421 A.H. to regulate and encourage foreign investment in the Kingdom. Under these regulations, more than one licence may be issued to a foreigner wishing to invest in various activities. The Public Investment Authority has an obligation to take a final decision on investment applications within 30 days from the date of its receipt of all the requisite documents. If the Authority fails to take a decision on an application before the expiration of this time limit, it must issue the licence requested by the foreign investor.

In the cultural sphere

26. The State provides free education at all levels for all citizens and residents, to whom it also offers incentives such as school transport and the distribution of school books free of charge. In addition the State has established cultural and sports clubs which promote a spirit of equality and homogeneity through cultural and sports activities. This is in accordance with articles 29 and 30 of the Basic Law, which stipulate that "the State shall foster the sciences, arts and culture, encourage scientific research, preserve the Arab and Islamic heritage and contribute to Arab, Islamic and human civilization" (art. 29) and "the State shall provide public education and shall have an obligation to combat illiteracy" (art. 30).

Article 3

27. In keeping with the Kingdom's Constitution (the Holy Koran and the Sunna of the Prophet) and the Basic Law, article 12 of which stipulates that "the consolidation of national unity is an obligation and the State shall prevent anything that is conducive to disunion, discord

and division", and in conformity with the laws and regulations in force, the Kingdom condemns all forms of racial segregation and apartheid and maintains no relations with racist regimes or organizations. In this regard, the Kingdom joined the international community in its boycott of the former racist regime in South Africa.

28. The Kingdom has ratified a number of international anti-discrimination conventions, such as the Slavery Convention concluded at Geneva in 1926, International Labour Convention No. 100 of 1951 concerning equal remuneration for men and women workers for work of equal value, International Labour Convention No. 101 of 1958 concerning discrimination in respect of employment and occupation, and the Convention on the Elimination of All Forms of Discrimination against Women.

Article 4

29. The Kingdom's regulations do not permit the establishment of racist organizations or the dissemination of theories based on superiority of one race or group over another, nor do they permit the promotion or incitement of racial discrimination. In fact, under the Kingdom's regulations, the dissemination of ideas based on racial discrimination and the funding of racist activities constitute punishable offences. Article 39 of the Basic Law stipulates that: "The information and publication media and all means of expression shall observe the rules of courtesy, respect the regulations of the State and help to educate the nation and consolidate its unity. Anything that is conducive to discord or division, prejudicial to the security or public relations of the State or detrimental to human dignity and rights shall be prohibited by law."

30. The Press and Publication Regulations prohibit the publication of any propaganda which, explicitly or implicitly, designates one race or ethnic group as superior to another. This is in accordance with the predominant international view that rights pertaining to freedom of opinion, expression and association are not absolute rights.

Article 5

31. This right contained in article 5 is recognized in article 36 of the Basic Law, which stipulates that: "The State shall ensure the security of its citizens and all persons residing in its territory and no one shall be arrested, detained or restricted in his freedom of action except as provided by law." Article 37 of the Basic Law further stipulates that: "Homes are invioiable. They may not be entered without permission from their owners, nor may they be searched except in the circumstances specified by law." In accordance with article 8 (f) of its Statutes, the Board of Grievances is competent to hear criminal actions brought against persons accused of the offences specified in Royal Decree No. 43 of 29/11/1377 A.H. involving exploitation of official influence, arbitrary acts, abuse of authority and violations of human rights. With regard to the protection of prisoners and detainees, article 28 of the Prison and Detention Regulations stipulates that: "All forms of aggression against prisoners or detainees are prohibited and disciplinary measures shall be taken against civil or military officials who commit any act of aggression against prisoners or detainees, without prejudice to any criminal penalties to which they might be liable in cases in which such aggression constitutes a criminal offence." Moreover, under the terms of article 231 of the Statutes of the Directorate of Public Security:

"Anyone who is found to be responsible for the unjustified detention of, or infliction of harm on, any person shall be punished by a term of detention equivalent to that for which he was responsible and shall also be liable for any harm that he inflicted."

32. With regard to article 5 (c) of the Convention, concerning political rights, article 8 of the Basic Law stipulates that: "Government in the Kingdom of Saudi Arabia is based on justice, consultation and equality in accordance with the Islamic Shariah." The Ruler derives his authority from the pledge of allegiance provided for in article 6 of the Basic Law: "Citizens shall pledge allegiance and obedience to the King, in accordance with the Book of Almighty God and the Sunna of His Prophet, in time of adversity as well as prosperity and for better or worse."

33. With regard to paragraph (d), concerning other civil rights, in particular:

(a) The right to freedom of movement and residence within the border of the State: article 36 of the Basic Law stipulates that: "The State shall ensure the security of its citizens and all persons residing in its territory and no one shall be arrested, detained or restricted in his freedom of action except as provided by law." These civil rights, including unrestricted freedom of movement within the borders of the Kingdom, are set forth in detail in the Passport and Residence Regulations.

(b) The right to a nationality is recognized in article 7 of the Nationality Regulations promulgated in Royal Edict No. 8/2/5604 of 22/2/1374 A.H., as amended by Royal Decree No. 20 of 12/11/1379 A.H., which stipulates that: "Anyone born in or outside the Kingdom of Saudi Arabia to a Saudi father or to a Saudi mother and a stateless father or a father of unknown nationality, or born in the Kingdom to parents of unknown nationality, shall be a Saudi national. A foundling discovered in the Kingdom shall be deemed to have been born therein failing proof to the contrary." The manner in which a foreign woman may acquire Saudi nationality is specified in article 16 of the Nationality Regulations, as amended by Royal Decree No. 32 of 25/6/1380 A.H., which stipulates that: "A foreign woman shall acquire, by marriage, the nationality of her Saudi husband if she renounces her previous nationality and affirms her desire to acquire Saudi Arabian nationality".

(c) In accordance with the Islamic Shariah, which guarantees the right of every male and female to marry subject to the mutual consent of both parties, every male and female has a legitimate right to marriage and choice of spouse.

(d) The right to own property alone as well as in association with others is recognized in article 18 of the Basic Law which stipulates that: "The State guarantees freedom to own property as well as the inviolability of private property, which may be expropriated only in the public interest and subject to fair compensation." Article 19 of the Basic Law further stipulates that: "General confiscation of property is prohibited and limited confiscation, as a penalty, may be imposed only under the terms of a court order." The regulations governing ownership of real property by non-Saudis, as promulgated in Royal Decree M/15 of 27/4/1421 A.H., facilitate the procedures for such ownership of real property in the Kingdom.

(e) The right to inherit is recognized in the Islamic Shariah. With regard to the right to inherit, Almighty God has said: "Men shall have a share in what their parents and kinsmen leave and women shall have a share in what their parents and kinsmen leave. Whether it be little or much, they are legally entitled to their share" (verse 7 of the chapter entitled "Women"). The Prophet, may God bless him and grant him salvation, also said: "If anyone leaves property, it shall go to his heirs ..." (*Nail al-Awtar*, 6/62);

(f) Under the Islamic Shariah, intellectual freedom, i.e. freedom of thought, conscience, religion and belief, is an inherent right which entitles individuals to insist on embracing what they believe to be right and true. In the words of Almighty God: "There shall be no compulsion in religion. True guidance is now distinct from error" (verse 256 of the chapter entitled "The Cow"); "He said: 'Think, my people! If my Lord has revealed to me His will and bestowed on me His grace, to which you are blind, can we compel you to accept it against your will'" (verse 28 of the chapter entitled "Houd"); "You have your religion and I have mine" (verse 6 of the chapter entitled "The Unbelievers"). These verses provide an unequivocal indication of inherent freedom of thought, religion and belief;

(g) Freedom to express opinion is clearly recognized in the Press and Publication Regulations, article 8 of which stipulates that: "Freedom to express opinion by the various means of publication is guaranteed within the limits of the provisions of the shariah and the regulations";

(h) Concerning the right to freedom of assembly and association, the numerous non-governmental organizations, institutions and associations that have been established engage in various social, cultural, scientific, charitable and other activities.

34. With regard to paragraph (e), concerning the enjoyment of economic, social and cultural rights:

(a) The right to work is recognized in article 28 of the Basic Law, which stipulates that: "The State shall provide employment opportunities for everyone capable of working and shall promulgate regulations to protect workers and employers." Article 4 of the Social Insurance Regulations emphasizes that their provisions apply to all workers, without any discrimination on grounds of nationality, gender or age. The Kingdom has ratified a number of international anti-discrimination conventions, to which reference has been made in the comments on article 3 of the Convention;

(b) Concerning the right to form trade unions, the Kingdom currently has a number of professional associations, including associations of physicians, engineers and accountants, through which their members can regulate their affairs and protect their professional interests. Occupational committees have been formed within the framework of the chambers of commerce and industry and workers' committees have also been established in every enterprise. The purpose of these committees is, inter alia, to submit recommendations to the management of the enterprise with a view to improving terms and conditions of employment, raising health standards, promoting occupational health and safety, developing occupational and management training programmes, improving cultural and social standards and increasing the quality and

quantity of production and workers' productivity in such a way as to establish a balance between the interests of the workers and those of the enterprise and achieve stable labour relations;

(c) The right to housing is guaranteed by the Islamic Shariah and the regulations in force in the Kingdom. The State grants plots of residential land to citizens and also provides them with interest-free loans for the construction of dwellings;

(d) The right to enjoy public health, medical care, social security and social services is guaranteed in article 31 of the Basic Law, which stipulates that: "The State shall show concern for public health and shall provide health care for every citizen and his family in the event of emergency, sickness, disability or old age. The State shall also support the social security system and encourage institutions and individuals to contribute to charitable works." The aim of the contributory health insurance scheme is to regulate the provision of health care in the Kingdom;

(e) The right to education and training is recognized in the Basic Law, which stipulates as follows: "The State shall provide public education and shall have an obligation to combat illiteracy" (art. 30); "The State shall foster the sciences, arts and culture, encourage scientific research, preserve the Arab and Islamic heritage and contribute to Arab, Islamic and human civilization" (art. 29). The State provides education, free of charge, for citizens and residents and caters for the needs of universities and scientific research centres;

(f) The right to equal participation in cultural activities is guaranteed by the Kingdom's various regulations. Article 29 of the Basic Law stipulates that: "The State shall foster the sciences, arts and culture, encourage scientific research, preserve the Arab and Islamic heritage and contribute to Arab, Islamic and human civilization."

35. With regard to the right of access to any place or service intended for use by the general public, (para. (f)), none of the Kingdom's regulations restrict any person's right of access to any place or service intended for use by the general public. Article 36 of the Basic Law stipulates that: "No one shall be arrested, detained or restricted in his freedom of action except as provided by law."

Article 6

36. As explained in detail in paragraphs 5 and 6 of part I of this report, the Kingdom guarantees the right of every person living in its territory to seek protection and remedies through the available mechanisms.

Article 7

37. The Kingdom's Constitution (the Koran and the Sunna) and the Basic Law contain provisions that guarantee measures to combat prejudices which lead to racial discrimination, as has already been clearly explained above.

38. The Kingdom of Saudi Arabia has endeavoured to integrate population groups of diverse ethnic origins in all the various activities and has used education as an instrument to promote tolerance and eliminate even the slightest degree of discrimination among persons. In addition to the magnanimous teachings of Islam, which reject all forms of discrimination, the educational curricula contain a number of literary and poetic texts which promote tolerance and condemn discrimination. National cultural, social and sports events are also used as opportunities to raise the level of awareness of the general principles contained in international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination.

God is the arbiter of our success.